

IN FORMA PAUPERIS

FILED

08 JUL -3 PM J: 25

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
~~THE NORTHERN DISTRICT OF CALIFORNIA~~
COURT OF CALIFORNIA

ALFREDO A. SANDOVAL,

PLAINTIFF

VS.

D. BIRNEBURG, et. al.,

DEFENDANTS

NO. 08-0865 TSW (PR)

DECLARATION OF FELLOW PRISONER
IN SUPPORT OF PLAINTIFF'S MOTION
FOR APPOINTMENT OF COUNSEL

I, MANUEL ZARATE NO. C-75553 DO HEREBY STATE THE FOLLOWING:

1. I AM A PRISONER OF THE STATE OF CALIFORNIA INCARCERATED AT PELICAN BAY STATE
PRISON AND HOUSED IN FACILITY "D" UNIT TWO, CELL 205 (D-2-205) DIRECTLY ABOVE
PLAINTIFF A. SANDOVAL'S CELL.

2. I HAVE BEEN HELPING PLAINTIFF WITH HIS CIVIL COMPLAINT BECAUSE PLAINTIFF IS
UNKNOWLEDGEABLE IN THE SCIENCE OF LAW AND LACKS THE ABILITY TO ARTICULATE HIS CLAIMS.

3. AS SUCH, FROM THE DRAFTING AND FILING OF PLAINTIFF'S COMPLAINT TO THIS CURRENT
MOTION FOR APPOINTMENT OF COUNSEL, ALL PLEADINGS FILED HAVE BEEN THROUGH MY EFFORTS.
HOWEVER, BECAUSE I AM NEITHER A COLLEGE OR HIGH SCHOOL GRADUATE I TOO HAVE MUCH
DIFFICULTY WITH THE COMPLEXITIES OF LITIGATION. AND THE HELP I HAVE PROVIDED TO THE
PLAINTIFF IS PERIODIC AND IS NO MATCH FOR THE LEGAL RESOURCES OF DEFENDANTS'
SCHOLED COUNSEL.

VERIFICATION

1. HAVING READ THE AFORMENTIONED DO STATE THE CONTENTS TO BE TRUE AND CORRECT
AND THIS I DO DECLARE UNDER THE PENALTY OF PERJURY AND THE LAW OF THE UNITED STATES
OF AMERICA. EXECUTED THIS DAY AT PELICAN BAY STATE PRISON, CRESCENT CITY, CALIF.

DATED

June 24 2008 /s/ Manuel Zarate

DECLARANT, MANUEL ZARATE

EXHIBIT B

PROOF OF SERVICE BY MAIL

(C.C.P. section 101a #2015.5, 20 U.S.C. section 1746)

I, ALFREDO SAVIOVAL, am a resident of Pelican Bay State Prison, in the County of Del Norte, State of California. I am over eighteen (18) years of age and am a party to the below entitled action.

My Address is: P.O. Box 7500; Crescent City, CA 95531.

X On the 29 day of MAY, in the year of 2008, I served the following documents: (set forth the exact title of documents served)

MOTION FOR STAY OF AND PARTIAL VACATE OF DISTRICT COURT ORDER PURSUANT TO RULE 15 (e) OF THE FEDERAL RULES OF CIVIL PROCEDURE AND RULE 7-1,2 OF THE LOCAL RULES

on the party(s) listed below by placing a true copy(s) of said document, enclosed in a sealed envelope(s) with postage thereon fully paid, in the United States mail, in a deposit box so provided at Pelican Bay State Prison, Crescent City, CA 95531 and addressed as follows:

OFFICE OF THE CLERK

NORTHERN DISTRICT OF CALIFORNIA

450 GOLDEN GATE AVENUE

SAN FRANCISCO, CA.

94102

I declare under penalty of perjury that the foregoing is true and correct.

X Dated this 29 day of MAY, 2008.

X Signed: _____

(Declarant Signature)

PROOF OF SERVICE BY MAIL

(C.C.P. section 101a #2015.5, 20 U.S.C section 1746)

I, Alfred Sandoval, am a resident of Pelican Bay State Prison, in the County of Del Norte, State of California. I am over eighteen (18) years of age and am a party to the below entitled action.

My Address is: P.O. Box 7500; Crescent City, CA 95531.

On the 23 day of JUNE, in the year of 2008, I served the following documents: (set forth the exact title of documents served)

MOTION FOR COURT ORDER DIRECTING DEFENDANT COUNSEL
TO PROVIDE ADDRESSES OF OUTSTANDING DEFENDANTS FOR PURPOSE OF
SERVICE
on the party(s) listed below by placing a true copy(s) of said document, enclosed in a sealed envelope(s) with postage thereon fully paid, in the United States mail, in a deposit box so provided at Pelican Bay State Prison, Crescent City, CA 95531 and addressed as follows:

U.S. Northern Dist. of Ca.
U.S. Courthouse
450 Golden Gate Ave.
San Francisco, Ca. 94102-3483

ATTORNEY GENERAL OFFICE
455 GOLDEN GATE AVE. SUITE 11000
SAN FRANCISCO, CA.
94102

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 23 day of JUNE, 2008.

Signed: Alfred Sandoval
(Declarant Signature)

EXHIBIT C

ROBERT NAVARRO
Attorney at Law
P.O. Box 8493
Fresno, California 93747

CONFIDENTIAL: LEGAL MAIL

March 2, 2007

Alfred Sandoval
D-61000
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA 95532

Dear Mr. Sandoval:

I have received your letter about the assault you suffered in Pelican Bay. It would be impossible for me represent you for many reasons, but mostly because my schedule would just not allow it.

As you are probably aware, you need to file a state tort claim within six months of your injury before you can sue any of the officers. You also have to fully exhaust the appeals process by filing your 602. If they "lose" or do not respond to your 602, file a 602 about that. The courts are throwing out a lot of cases because of the failure to exhaust, but if they see you did everything possible to complete the 602 process, then you stand a good chance of being able to pursue a federal court action.

If you need a tort claim form let me know, and if you get to the point where you want to file a complaint, let me know also and I can send you a sample.

Take care.

Very truly yours,

Robert Navarro

A handwritten signature in black ink, appearing to read "R. Navarro".

CATHERINE CAMPBELL
Attorney at Law
State Bar #65103
PO Box 4470 • Fresno, CA 93744
Tel: 559-498-8140 • Fax: 559-221-0268

June 27, 2007

Alfred Sandoval, D61000
SHU D2 105
PO Box 7500
Crescent City, CA 95532

Dear Mr. Sandoval,

I received your letter of May 1, 2007. For several reasons, I am unable to be of assistance to you. The passage of the Prison Litigation Reform Act (PLRA) in 1996, made it extremely difficult to represent prisoners. In addition, I receive on average 10 letters from prisoners each week and while many have compelling claims, it is not possible to represent all of them, nor can I choose among them.

As a result of these and other limitations, I confine my civil rights work to representing the families of prisoners, not prisoners themselves. At the moment, I am representing several families in medical and psychiatric abuse cases which resulted in death and I cannot take on new cases without undermining the cases I already have.

Please forgive these restrictions on my practice. I am sorry I am unable to assist you.

Please let me know if you are going to be released from prison shortly. If you are no longer in prison, the PLRA does not apply to you.

With my regards,

C. Campbell
Catherine Campbell

CC/vt

Enclosure(s): 2

JONES DAY

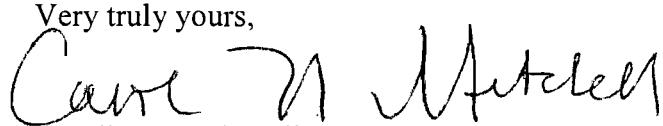
555 CALIFORNIA STREET • 26TH FLOOR • SAN FRANCISCO, CALIFORNIA 94104-1500
TELEPHONE: 415-626-3939 • FACSIMILE: 415-875-5700

January 22, 2008

Alfred Sandoval D#61000
SHU D2 105
PO Box 7500
Crescent City, CA 95532

Dear Mr. Sandoval:

I am responding to your letter dated January 8, 2008 to let you know that I am unable to represent you.

Very truly yours,

Caroline N. Mitchell

SFI-577277v1

Law Offices of
MORENO, BECERRA & CASILLAS
A Professional Law Corporation

GREGORY W. MORENO
DANILO J. BECERRA
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Telephone (323) 725-0917
Facsimile (323) 725-0350

LOS ANGELES
SAN BERNARDINO
OXNARD
SAN FRANCISCO
SAN JOSE
SACRAMENTO

March 4, 2008

Alfred Sandoval D#6100
SHU D2 105
PO BOX 7500
Crescent City, CA 95532

Dear Mr. Sandoval:

I have received and reviewed your letter of February 12, 2008. I regret to inform you that at this time our office is not in a position to take on your case. Simply because we are unable to assist you does not mean another attorney would be unable to assist you. I suggest you contact another attorney to see if they can assist you.

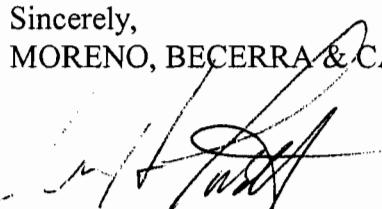
There are a few important dates that you should keep in mind. Based on your letter, it seems that individuals responsible are all California State employees. In order to file a lawsuit for a violation of State rights (such as assault and battery), you would need to first file a claim with the state agency responsible for the conduct **within six (6) months** of the incident. Upon rejection of that claim, you could then file a lawsuit.

Your letter also indicates potential constitutional violations. Generally, you must file a lawsuit within **two (2) years** of the incident. If this happened while you were in jail, you have an additional **two (2) years** to file a lawsuit for constitutional violations.

Failure to follow the above deadlines will result in your losing your right to recovery damages for any injuries you suffered. For that reason, I urge you to contact other attorneys.

Thank you for considering this office.

Sincerely,
MORENO, BECERRA & CASILLAS


ARNOLDO CASILLAS

LAW OFFICES OF
DIANE L. MIDDLETON
A PROFESSIONAL CORPORATION
479 W. Sixth Street, Suite 207
San Pedro, Calif. 90731-2657
(310) 519-7555
FAX (310) 519-0075

ATTORNEY AT LAW
Diane L. Middleton

March 12, 2008

Alfred Sandoval D#61000
SHU D2 105 PO Box 7500
Crescent City, CA 95532

RE: Assault

Dear Mr. Sandoval:

Thank you for your letter of March 3, 2008 and received in our office March 10, 2008.

There are various reasons why I cannot accept your case.

First, my practice is limited to representation of persons with claims under the Longshore and Harbor Workers' Compensation Act.

Next, I am making plans for my retirement and not accepting new cases of any kind.

You should be aware that there are deadlines within which you must take action. These time deadlines can be surprisingly short. If you miss the time deadline, your claim is forever barred. Therefore, if you wish to pursue this matter you should contact another attorney as soon as possible.

This office will take no action on your behalf.

Thank you for thinking of me. Good luck.

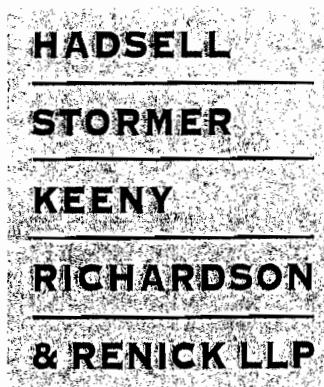
Sincerely,

LAW OFFICES OF DIANE L. MIDDLETON

BY: _____


DIANE L. MIDDLETON

DLM:rd



128 North Fair Oaks Avenue, Pasadena, California 91103
Tel: 626.585.9600 • Fax: 626.577.7079 • www.hskrr.com

Cornelia Dai
Fernando Gaytan
Barbara Enloe Hadsell
Lisa Holder
Virginia Keeny
Natalie Nardacchia
Sanjukta Paul
Josh Piovia-Scott
Randy Renick
Anne Richardson
Dan Stormer
Lauren Teukolsky

April 1, 2008

LEGAL & CONFIDENTIAL MAIL

Alfred Sandoval, D #61000
SHU D2 105 P.O. Box 7500
Crescent City, CA 95532

Dear Mr. Sandoval:

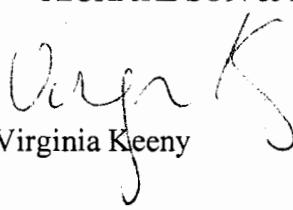
Thank you for seeking legal representation with our law firm.

After reviewing your information, we have determined, unfortunately, we cannot take your case. I recommend that you consult with other attorneys.

I want to emphasize that the fact that we have decided not to take your case does not in any way reflect upon the merits of your case, and encourage you to seek other opinions. I also want to remind you that all cases have statutes of limitations that limit the amount of time within which a lawsuit may be brought. Therefore, I encourage you to seek legal counsel as soon as possible if you do want to pursue your case.

Very truly yours,

HADSELL STORMER KEENY
RICHARDSON & RENICK, LLP


Virginia Keeny

VK:ya